

EXHIBIT 3

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1 UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF MICHIGAN
3 SOUTHERN DIVISION
4

5)
6) Civil Action No.
7) 5:16-cv-10444-JEL-MKM
8 In re: FLINT WATER CASES) (consolidated)
9)
10) Hon. Judith E. Levy
11) Mag. Mona K. Majzoub
12)
13)

14 Thursday, May 28, 2020

15 HIGHLY CONFIDENTIAL

16 VOLUME I

17 Remote videotaped deposition of
18 HOWARD CROFT conducted at the location of the
19 witness in Okemos, Michigan, commencing at 9:09 a.m.,
20 on the above date, before Carol A. Kirk, Registered
21 Merit Reporter, Certified Shorthand Reporter, and
22 Notary Public.

23 GOLKOW LITIGATION SERVICES
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deps@golkow.com

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1 Exhibit 20 -- no, 19. Sorry. And then
2 this will be Exhibit 20.

3 BY MR. ERICKSON:

4 Q. So this is the sign-in sheet that
5 was, you know, in the records of the city and
6 LAN following the meeting and in the DEQ.

7 Have you seen this before, sir?

8 A. It doesn't stand out.

9 Q. I notice that your name is not on
10 the sign-in sheet. Do you recall seeing a
11 sign-in sheet at the meeting that day?

12 A. Sign-in sheets were typical.
13 There's a good chance I was the last one there
14 and the first one to leave.

15 Q. But it's your recollection that
16 you were there for about an hour and a half; is
17 that right?

18 A. Approximately an hour or so.

19 Q. An hour or so?

20 A. I know that when I left heading
21 back to city hall, I called back to city hall to
22 talk to Jerry Ambrose. So I would suspect if we
23 found out the time of that call, I had just left
24 the plant within ten minutes.

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1 Q. Do you remember what time of day
2 the meeting started?

3 A. It was in the morning.

4 Q. Do you remember what time in the
5 morning? If you don't, that's fine.

6 A. I don't specifically.

7 Q. Okay. And where was the meeting?

8 A. It was in the water treatment
9 plant. There's a main room that I believe
10 functions -- functioned as like a big cafeteria
11 type room.

12 Q. Was there more than one meeting
13 that day about the issues, or just one meeting?

14 A. So it's my understanding now --
15 so, again, it's my understanding that following
16 a preliminary meeting, that there was a
17 secondary meeting. That's my understanding,
18 that another or carry-over meeting took place.

19 Q. And do you -- do you have an
20 understanding as to where that follow-up meeting
21 took place?

22 A. Someone -- I do not have -- I do
23 not have firsthand knowledge. I believe it was
24 conveyed to me that that was held in Brent

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1 Wright's office.

2 Q. And who do you recall attended
3 this second meeting?

4 A. I wasn't there, so I can't -- I
5 can't speak firsthand. It just would be second-
6 or thirdhand.

7 Q. And I understand that. I
8 understand you don't have firsthand knowledge.
9 You weren't present. But you were informed of
10 the meeting, correct?

11 A. Yes. But --

12 Q. And do you have any understanding
13 as to who was present at the follow-up meeting?

14 A. Not 100 percent. It would have
15 been the technical people.

16 Q. And that would have included Brent
17 Wright, if it was his office, correct?

18 MR. CONNORS: Objection; lacks
19 foundation.

20 Q. Okay. Would you be guessing as to
21 who was at the follow-up meeting?

22 A. I would 100 percent be guessing.

23 Q. Okay. I won't -- I'll move on.

24 Did you take any notes at the

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1 the signature page.

2 BY MR. ERICKSON:

3 Q. So we see at the end of the memo
4 that it was signed by yourself and Mr. Walling
5 and Mr. Ambrose, correct?

6 A. Yes.

7 Q. And did you prepare the memo, or
8 did someone else prepare it?

9 A. I believe I prepared this. I was
10 the main person preparing this.

11 Q. And what was the purpose of
12 preparing the Q and A document?

13 A. Can I see the top of it again?

14 Q. Yes. Certainly.

15 MR. ERICKSON: There's a cover
16 page, but let's go to the first -- you
17 know, the second page.

18 A. So my attempts, Mr. Erickson, the
19 time I was there was to try to -- was to attempt
20 to be attentive to allow them to question their
21 concerns. And I believe we had opened up and
22 requested -- or the mayor was getting questions
23 from a number of people regarding water. And I
24 think one of the things we wanted to do was to

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1 attempt to convey some information to people so
2 they had at least some foundation of certain
3 questions they had.

4 So I think this was a response to
5 a number of different people that were writing
6 letters to the mayor.

7 Q. And this document, as it says, was
8 to the City of Flint residents, correct? This
9 was prepared for public distribution, correct?

10 A. Correct. Yes.

11 MR. ERICKSON: Let's scroll down,
12 and I'll tell you when to stop, Sarah.

13 Okay. You can stop. Let's go
14 back -- go back up.

15 There we go. That's good. I want
16 to have the purpose of the agenda of the
17 meeting, have that be the top -- there
18 we go. I just want to get all those
19 numbered paragraphs in. There we go.

20 BY MR. ERICKSON:

21 Q. So this is your discussion
22 regarding the meeting that you referred to
23 with -- on June 26, 2013, correct?

24 A. Correct.

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1 MR. ERICKSON: Let's scroll up
2 just a little to get the date, and then
3 come back to this.

4 BY MR. ERICKSON:

5 Q. You see where it says, "On
6 June 29, 2013, following many preliminary
7 discussions"?

8 Do you see that?

9 Go ahead and read that paragraph
10 to yourself.

11 So this is clearly a reference to
12 the same meeting that we've been talking about
13 already this morning, correct?

14 You have to answer verbally.

15 A. Yes. Yes. Absolutely.

16 Q. And would you agree with me that
17 in summarizing the meeting, you started by
18 getting the date wrong?

19 A. Yes, I would.

20 Q. All right. Would you agree with
21 me -- looking at this agenda that you've written
22 here, would you agree -- you say, "The purpose
23 of the agenda of the meeting was to determine
24 the feasibility of the following items," and

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1 then you list 1 through 6.

2 Would you agree with me that the
3 agenda of the meeting that we've already looked
4 at this morning is a better indicator of what
5 the agenda of the meeting was?

6 A. I would say that's fair that the
7 previous agenda that you showed is maybe more
8 reflective of the specifics. And I think this
9 may be a little bit more general.

10 Q. And turning to the next section
11 where it starts, "The conversation was guided
12 with focus on the engineering, regulatory, and
13 quality aspects of each item listed." And then
14 it goes -- it says, "The resulting
15 determinations were made," and you list Items 1
16 through 6.

17 Was this done from your memory?

18 A. I believe so.

19 Q. Okay. You don't recall having any
20 notes from the meeting either that you took
21 yourself or that you were provided by somebody
22 else, correct?

23 A. Correct.

24 Q. And you also didn't have any

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1 incomplete meeting minutes that someone else had
2 prepared regarding the meeting; is that correct?

3 A. I don't have any recollection of
4 meeting minutes.

5 Q. Okay. This was just your effort
6 to recreate and put down on paper events that
7 had occurred a year and a half earlier, correct?

8 A. Yes.

9 Q. I want to move to the summer of
10 2013. You referenced earlier that you recall
11 there being a plant test run.

12 Do you remember that?

13 A. I remember hearing that a plant
14 test run is something that happened, I want to
15 say, either three or four times a year. So I'll
16 let you ask the next question, and then I'll
17 respond.

18 Q. Do you remember that when LAN made
19 its proposal, Task Number 1 was for LAN to
20 participate with the city in connection with a
21 plant test run?

22 A. So I do recall the discussion
23 being that on the next scheduled -- whatever the
24 time frame, that there was an upcoming plant run

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16 VOLUME III

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19 witness in Okemos, Michigan, commencing at 9:05 a.m.,
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1 something like that that you may have heard but
2 didn't understand the significance of at the
3 time, and so you didn't recall it because you
4 don't have the technical background?

5 MR. RUSEK: Objection; form,
6 foundation, speculation.

7 A. I can't rule out any absolutes
8 outside of what I, you know, can be firm about,
9 so I suppose --

10 Q. Well, it's possible you were part
11 of a technical discussion and you simply don't
12 recall it, correct?

13 A. I was not -- I was definitely not
14 part of technical discussions leading up to the
15 plant getting put in. Any time that I would
16 have been involved would have been maybe as a
17 participant in a meeting somewhere down the
18 road.

19 Q. Except that you did say that you
20 attended at least part of the meeting on June 26
21 of 2013, correct?

22 A. Yeah, but there was no -- the
23 technical aspects of that meeting all occurred
24 after I left.